

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

J.S., a minor child, by and through)
his father and next best friend,)
John Seawright)
Plaintiff,)
v.) CASE NO. 2:05-cv-928-WKW
OFFICER CURT CAMPBELL,)
in his individual capacity,)
Defendant.)

VERDICT

A. Plaintiff's Unlawful Detention Claim:

Do you find from a preponderance of the evidence:

1. That the Defendant intentionally committed acts that violated Plaintiff's federal constitutional right not to be detained without articulable reasonable suspicion?

Answer Yes or No NO

[Note: If you answered **No** to Question No. 1, skip the remaining questions for this claim and proceed to *Part B. Plaintiff's Free Speech Claim.*]

2. That the Defendant's acts were the proximate or legal cause of damages sustained by the Plaintiff?

Answer Yes or No _____

[Note: If you answered **No** to Question No. 2, skip the remaining questions for this claim and proceed to *Part B. Plaintiff's Free Speech Claim.*]

3. That the Plaintiff should be awarded damages to compensate for physical as well as emotional pain and mental anguish?

Answer Yes or No _____

If you answered **Yes**, in what amount? \$_____

[Note: If you answered **No** to Question No. 3, then proceed to Question No. 4. If you answered **Yes** to Question No. 3, then omit Question No. 4 and proceed to Question No. 5.]

4. That the Plaintiff should be awarded \$1 in nominal damages?

Answer Yes or No _____

[Note: If you answered **No** to Question No. 4, then proceed to *Part B. Plaintiff's Free Speech Claim*. If you answered **Yes** to Question No. 4, then proceed to Question No. 5.]

5. That the Defendant acted with malice or with reckless indifference to the Plaintiff's federally protected rights and that punitive damages should be assessed against the Defendant?

Answer Yes or No _____

If you answered **Yes**, in what amount? \$_____

B. Plaintiff's Free Speech Claim:

Do you find from a preponderance of the evidence:

1. That the Defendant intentionally committed acts that violated Plaintiff's federal constitutional right to freedom of expression?

Answer Yes or No NO

[Note: If you answered **NO** to Question No. 1, skip the remaining questions for this claim and proceed to *Part C. Plaintiff's Excessive Force Claim.*]

2. That the Defendant's acts were the proximate or legal cause of damages sustained by the Plaintiff?

Answer Yes or No _____

[Note: If you answered **NO** to Question No. 2, skip the remaining questions for this claim and proceed to *Part C. Plaintiff's Excessive Force Claim.*]

3. That the Plaintiff should be awarded damages to compensate for physical as well as emotional pain and mental anguish?

Answer Yes or No _____

If you answered **Yes**, in what amount? \$_____

[Note: If you answered **NO** to Question No. 3, then proceed to Question No. 4. If you answered **Yes** to Question No. 3, then omit Question No. 4 and proceed to Question No. 5.]

4. That the Plaintiff should be awarded \$1 in nominal damages?

Answer Yes or No _____

[Note: If you answered **NO** to Question No. 4, then proceed to *Part C. Plaintiff's Excessive Force Claim.* If you answered **Yes** to Question No. 4, then proceed to Question No. 5.]

5. That the Defendant acted with malice or with reckless indifference to the Plaintiff's federally protected rights and that punitive damages should be assessed against the Defendant?

Answer Yes or No _____

If you answered Yes, in what amount? \$_____

C. Plaintiff's Excessive Force Claim:

Do you find from a preponderance of the evidence:

1. That the Defendant intentionally committed acts that violated Plaintiff's federal constitutional right not to be subjected to excessive or unreasonable force during a detention?

Answer Yes or No No

[Note: If you answered **No** to Question No. 1, skip the remaining questions for this claim and proceed to *Part D. Plaintiff's Assault and Battery Claim.*]

2. That the Defendant's acts were the proximate or legal cause of damages sustained by the Plaintiff?

Answer Yes or No _____

[Note: If you answered **No** to Question No. 2, skip the remaining questions for this claim and proceed to *Part D. Plaintiff's Assault and Battery Claim.*]

3. That the Plaintiff should be awarded damages to compensate for physical as well as emotional pain and mental anguish?

Answer Yes or No _____

If you answered **Yes**, in what amount? \$_____

[Note: If you answered **No** to Question No. 3, then proceed to Question No. 4. If you answered **Yes** to Question No. 3, then omit Question No. 4 and proceed to Question No. 5.]

4. That the Plaintiff should be awarded \$1 in nominal damages?

Answer Yes or No _____

[Note: If you answered **No** to Question No. 4, then proceed to *Part D. Plaintiff's Assault and Battery*. If you answered **Yes** to Question No. 4, then proceed to Question No. 5.]

5. That the Defendant acted with malice or with reckless indifference to the Plaintiff's federally protected rights and that punitive damages should be assessed against the Defendant?

Answer Yes or No _____

If you answered **Yes**, in what amount? \$_____

D. Plaintiff's Assault and Battery Claim:

Do you find from a preponderance of the evidence:

1. That the Defendant intentionally committed an act of assault and battery upon the Plaintiff?

Answer Yes or No NO

[Note: If you answered **NO** to Question No. 1, skip the remaining questions for this claim and proceed to *Part E. Plaintiff's Negligence Claim.*]

2. That the Defendant's acts were the proximate or legal cause of damages sustained by the Plaintiff?

Answer Yes or No _____

[Note: If you answered **NO** to Question No. 2, skip the remaining questions for this claim and proceed to *Part E. Plaintiff's Negligence Claim.*]

3. That the Plaintiff should be awarded damages to compensate for physical as well as emotional pain and mental anguish?

Answer Yes or No _____

If you answered **Yes**, in what amount? \$_____

[Note: If you answered **NO** to Question No. 3, then proceed to *Part E. Plaintiff's Negligence Claim.* If you answered **Yes** to Question No. 3, then proceed to Question No. 4.]

4. Do you find from **clear and convincing evidence** that the Defendant consciously or deliberately engaged in oppression, fraud, wantonness, or malice with regard to the Plaintiff and that punitive damages should be assessed against the Defendant?

Answer Yes or No _____

If you answered Yes, in what amount? \$_____

E. Plaintiff's Negligence Claim:

Do you find from a preponderance of the evidence:

1. That the Defendant was negligent?

Answer Yes or No NO

[Note: If you answered **NO** to Question No. 1, skip the remaining questions and have your foreperson sign this verdict form at the bottom of the next page.]

2. That the Defendant's negligence was the proximate or legal cause of damages sustained by the Plaintiff?

Answer Yes or No _____

[Note: If you answered **NO** to Question No. 2, skip the remaining questions and have your foreperson sign this verdict form at the bottom of the next page.]

3. That the Plaintiff was also negligent?

Answer Yes or No _____

[Note: If you answered **Yes** to Question No. 3, then proceed to Question No. 4. If you answered **NO** to Question No. 3, skip Question No. 4 and proceed to Question No. 5.]

4. That the Plaintiff's negligence was the proximate or legal cause of his own damages?

Answer Yes or No _____

[Note: If you answered **Yes** to Question No. 4, then skip the remaining questions and have your foreperson sign this verdict form at the bottom of the next page. If you answered **NO** to Question No. 4, proceed to Question No. 5.]

5. That the Plaintiff should be awarded damages to compensate for physical as well as emotional pain and mental anguish?

Answer Yes or No _____

If you answered **Yes**, in what amount? \$_____

[**Note:** If you answered **No** to Question No. 5, then skip the remaining questions and have your foreperson sign this verdict form at the bottom of the next page. If you answered **Yes** to Question No. 5, then proceed to Question No. 6.]

6. Do you find from **clear and convincing evidence** that the Defendant consciously or deliberately engaged in oppression, fraud, wantonness, or malice with regard to the Plaintiff and that punitive damages should be assessed against the Defendant?

Answer Yes or No _____

If you answered **Yes**, in what amount? \$_____

SO SAY WE ALL.

Daniel K. Smith

Foreperson

DATED: 11-9-2006